

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

LAWRENCE H. GRESS, on behalf of himself and others similarly situated,

Plaintiff,

v.

COMMONWEALTH EDISON COMPANY, an Illinois corporation; JOHN DOES 1-100,

Defendants.

Case No. 1:20-cv-04405

MOTION TO PARTICIPATE IN OCTOBER 6, 2020 HEARING

South Branch LLC, TFO Golub Burnham LLC, d/b/a The Burnham Center, TFO Golub IT 2.0 LLC d/b/a International Tower, and Rockwell on the River LLC, who are plaintiffs in a proposed class action, *South Branch LLC, et al. v. Commonwealth Edison and Exelon*, 20-cv-4980 (“South Branch Plaintiffs” or “Movants”), currently pending before Judge Pacold, respectfully move the Court to allow them to participate in a hearing in this case scheduled for October 6, 2020 at 9:30 am (“October 6 hearing”).

1. Like the plaintiff in this case, the South Branch Plaintiffs seek damages arising from Commonwealth Edison and Exelon Corp.’s (collectively, “ComEd’s”) vast, decade-long bribery scheme to secure the passage of favorable legislation in the Illinois General Assembly, as described in ComEd’s Deferred Prosecution Agreement with the United States, entered on July 17, 2020. The South Branch Plaintiffs seek to represent a class of “Large Commercial utility customers of ComEd (those classified as peak load of 100kW or higher) from January 1, 2012 to the present.” *South Branch Complaint*, 34, attached here as Exhibit 1.

2. The South Branch Plaintiffs are the subject of two motions pending in this case, which the Court is scheduled to hear on October 6, 2020 at 9:30 am. Minute Entry, Doc. 33. They must be permitted to participate in the October 6 hearing in order to protect their interests and those of the class they seek to represent.

3. First, Gress and the plaintiffs in *Brooks, et al. v. Commonwealth Edison and Exelon Corp.*, 20-cv-4555 (“Brooks Plaintiffs”), currently pending before Judge Coleman, filed a Motion for Appointment of Interim Lead Counsel (“lead counsel motion”). Doc. 30. Gress and the Brooks Plaintiffs seek to represent a class of all ComEd customers during the relevant time period, which would encompass the *South Branch* class. Therefore, the South Branch Plaintiffs wish to be heard on the lead counsel motion.

4. Second, ComEd filed a Motion to Reassign Related Case requesting this Court to find that *South Branch* is related to *Gress, Brooks, and Potter, et al. v. Madigan, et al.*, 20-cv-4675, currently pending before Judge Ellis, and to recommend that the Executive Committee reassign *South Branch* to this Court. Doc 39.¹ Although the South Branch Plaintiffs did not join or object to ComEd’s motion, they request to participate in the hearing given that possible reassignment of their case is at issue.

WHEREFORE, the South Branch Plaintiffs respectfully request that this Court enter an order permitting them to participate in the October 6 hearing.

September 30, 2020

Respectfully submitted,

/s/ Matthew J. Piers
One of the Attorneys for Movants

¹ Gress filed motions to reassign *Brooks* and *Potter*, and the Court set those motions for the October 6 hearing. Docs. 20, 22, 27. Although ComEd did not notice their motion to reassign *South Branch*, Movants anticipate that the Court will address all motions for reassignment together at the October 6 hearing.

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CERTIFICATE OF SERVICE

I, Matthew J. Piers, an attorney, certify that I caused copies of the foregoing Motion to Participate in October 6, 2020 Hearing to be served on all counsel of record via the Court's electronic filing system.

/s/ Matthew J. Piers
Counsel for Movants